

OFFICIAL GAZETTE



GOVERNMENT OF GOA

GOVERNMENT OF GOA

Forest and Agriculture Department

Department of Co-operation

Notification

10-1(4)/86-COOP

The following draft amendment which is proposed to be made to the Cooperative Societies Rules, 1962 for the Union Territory of Goa, Daman and Diu is hereby pre-published as required by sub-section (3) of section 165 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of 30 days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the draft amendment may be forwarded to the Under Secretary to the Government of Goa, Department of Cooperation, Secretariat, Panaji, before the expiry of 30 days from the date of publication of this Notification in the Official Gazette.

DRAFT AMENDMENT

In exercise of the powers conferred by sub-section (1) of section 165 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu and all other powers enabling him in that behalf, the Government of Goa, hereby makes the following rules so as to further amend the Cooperative Societies Rules, 1962 for the Union Territory of Goa, Daman and Diu, namely:—

1. *Short title and commencement.*— (i) These rules may be called the Cooperative Societies (Seventh Amendment) Rules, 1987, for the State of Goa.

(2) They shall come into force with effect from 1-7-1987.

2. *Amendment of rule 2.*— In rule 2 of the Cooperative Societies Rules, 1962 for the Union Territory

of Goa, Daman and Diu, for clause (b), the following clause shall be substituted, namely:—

“(b) “cooperative year” means the year ending 31st March of every year.

By order and in the name of the Governor of Goa.

A. P. Panvelkar, Under Secretary to the Government of Goa.

Panaji, 9th July, 1987.

Agriculture Department

Notification

10/1/79-AGR Vol.VI

In supersession of the Government Notification No. 10-1-79/AGR Vol. VI dated 11-11-1986 published in the Official Gazette No. 35 Series I and dated 27-11-86, the Government of Goa is pleased to adopt the following pattern of fees for grant, amendment or renewal, etc. of certificate of registration or certificate of manufacture under clause 36 of the Fertilizer (Control) Order, 1985:—

Sr. No.	Item	Chargeable fees (Rs.)
1	2	3
(A) For Dealers		
1.	Grant of a certificate of registration to wholesale dealer.	300/-
2.	Grant of certificate of registration to retail dealer.	150/-
3.	Renewal of a certificate of registration to wholesale dealer.	200/-
4.	Renewal of a certificate of registration of retail dealer.	100/-
5.	Late fee for renewal of a certificate of registration to wholesale dealer.	50/-
6.	Late fee for renewal of a certificate of registration to retail dealer.	25/-
7.	Amendment in certificate of registration to wholesale dealer.	10/-
8.	Amendment in certificate of registration to retail dealer.	10/-
9.	Duplicate/additional copies of certificate of registration to wholesale dealer.	10/-
10.	Duplicate/additional copies of certificate of registration to retail dealer.	10/-

1	2	3
(B) For Manufacturing of Fertilizer Mixture Including Special Mixture		
1. Grant of certificate for manufacturing of fertilizer mixture/micronutrients.		500/-
2. Grant of certificate for manufacturing of special mixtures of fertilizers.		250/-
3. Renewal of certificate for manufacturing of fertilizer mixtures/micronutrients.		250/-
4. Amendment in certificate for manufacturing of fertilizer mixture/micronutrients.		100/-
5. Late fees for renewal of certificate of manufacturing of fertilizer mixtures/micronutrients.		50/-
6. Grant of duplicate/additional copies of certificate for manufacturing of fertilizers / mixtures / special mixtures / micronutrients.		50/-

By order and in the name of the Governor of Goa.

A. P. Panvelkar, Under Secretary to the Government of Goa.

Panaji, 1st July, 1987.

Power, Supply and Welfare Department

ORDER

13-3-84/LAWD/OBC

The Government of Goa hereby amends the Government Order No. 13-3-84/LAWD/OBC dated 12-6-1987 published in the Official Gazette, Series I, No. 12, dated 18-6-1987 (hereinafter referred to as the 'principal Order'), as follows:—

In the principal Order, after item 3, the following item shall be inserted, namely:—

"4. Kunbis".

By order and in the name of the Governor of Goa.

P. W. Rane Sardesai, Under Secretary to the Government of Goa, Social Welfare.

Panaji, 9th July, 1987.

Law Department

Establishment Branch

Office of the Chief Electoral Officer

Corrigendum

2-2-80/11

The following Corrigendum No. 154/GOA/87 dated 30-6-1987 issued by the Election Commission of India, New Delhi is hereby published for general information.

M. Raghuchandar, Addl. Chief Electoral Officer.

Panaji, 14th July, 1987.

Election Commission of India

New Delhi, Dated the 30th June, 1987

9 Asadha, 1909(S)

No. 154/GOA/87/— In the Commission's Notification No. 154/GOA/86, dated the 1st May, 1986, issued under Section 13A of the Representation of the People Act, 1950 (43 of 1950) and published in the Gazette of India, the existing entry "Union Territory of Goa, Daman and Diu" shall be amended to read "as State of Goa".

By order,

(R. P. BHALLA)
SECRETARY

Election Commission of India

Goa Legislative Assembly

Legislature Department

LA/B/1392/1987

Dt. 7th July, 1987

The following Bill which was introduced in the Legislative Assembly of Goa on 6th July, 1987 is hereby published for general information in pursuance of the provisions of Rule - 136 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa, Municipalities
(Seventh Amendment) Bill, 1987

(Bill No. 4 of 1987)

A

BILL

further to amend the Goa, Daman and Diu Municipalities Act, 1968.

Be it enacted by the Legislative Assembly of Goa in the Thirty-eighth Year of the Republic of India as follows:—

1. Short title and commencement. — (1) This Act may be called the Goa Municipalities (Seventh Amendment) Act, 1987.

(2) It shall come into force at once.

2. Amendment of section 2. — In section 2 of the Goa, Daman and Diu Municipalities Act, 1968 (Act 7 of 1969) (hereinafter referred to as the "principal Act"), after clause (1), the following clause shall be inserted, namely:—

"(1A). "Appellate Tribunal" means an Appellate Tribunal constituted under section 184 B;"

3. Amendment of section 184. — In section 184 of the principal Act, after sub-section (12), the following sub-sections shall be inserted, namely:—

"(13) Any person aggrieved by an order of the Chief Officer made under sub-section (8) may

prefer an appeal against the order to the Appellate Tribunal within the period specified in the order for the demolition of the construction or work to which it relates.

(14) Where an appeal is preferred under sub-section (13) against the order of demolition, the Appellate Tribunal may, subject to the provisions of sub-section (3) of section 184 C, stay the enforcement of that order on such terms, and for such purpose, as it may think fit:

Provided that where the erection of any building or execution of any work has not been completed at the time of the making of the order of demolition, no order staying the enforcement of the order of demolition shall be made by the Appellate Tribunal unless security sufficient in the opinion of the said Appellate Tribunal has been given by the appellant for not proceeding with such erection or work pending the disposal of the appeal.

(15) Subject to any order made by the Government on appeal under section 184 D, every order made by the Appellate Tribunal on appeal under this section, and subject to the orders of the Government and the Appellate Tribunal on appeal, the order of demolition made by the Chief Officer shall be final.

(16) Where no appeal has been preferred against an order of demolition made by the Chief Officer under sub-section (8) or where an order of demolition made by the Chief Officer under that sub-section has been confirmed on appeal, whether with or without variation, by the Appellate Tribunal in a case where no appeal has been preferred against the order of the Appellate Tribunal, and by the Government in a case where an appeal has been preferred against the order of the Appellate Tribunal, the persons against whom the order has been made shall comply with the order within the period specified therein, or as the case may be, within the period, if any, fixed by the Appellate Tribunal or Government on appeal and on the failure of the person to comply with the order within such period, the Chief Officer may himself cause the erection or the work to which the order relates to be demolished and the expenses of such demolition shall be recoverable from such person as an amount due on account of property tax.

(17) If an order made by the Chief Officer under sub-section (8) directing any person to stop the construction is not complied with, the Chief Officer may in addition to any other action that may be taken under this Act, may require any Police Officer to remove such person or his assistants and workmen from the premises or to seize any construction material, tool, machinery, scaffolding or other things used in the construction within such time as may be specified in the requisition and such Police Officer shall comply with the requisition accordingly.

(18) Any of the things caused to be seized by the Chief Officer shall be disposed off by him in the manner specified in section 156.

(19) After the requisition under sub-section (18) has been complied with, the Chief Officer may, if he thinks fit, depute by a written order, a Police Officer or a Municipal Officer or other

Municipal employee to watch the premises in order to ensure that the construction is not continued.

(20) Where a Police Officer or a Municipal Officer or other Municipal employee has been deputed under sub-section (19) to watch the premises, the cost of such deputation shall be paid by the person at whose instance such construction is being continued or to whom notice under sub-section (8) was given and shall be recoverable from such person as an amount due on account of a property tax".

4. **Insertion of new sections.** — After section 184 of the principal Act, the following sections shall be inserted, namely: —

"184A. Power to seal unauthorised constructions. — (1) It shall be lawful for the Chief Officer, at any time, before or after making the order of demolition or of the stoppage of the construction under section 184, to make an order directing the sealing of the premises in which such construction is being carried on or has been completed for the purpose of carrying out the provisions of this Act, or for preventing any dispute as to the nature and extent of such constructions.

(2) Where any premises in which any construction is being carried on has been sealed, the Chief Officer may, for the purpose of demolishing such construction in accordance with the provisions of this Act, order the seal to be removed.

(3) No person shall remove such seal except —

- (a) under an order made by the Chief Officer under sub-section (2); or
- (b) under an order of an Appellate Tribunal or the Government, made in appeal under this Act.

184 B. Appellate Tribunal. — (1) The Government shall, by a notification in the Official Gazette, constitute one or more Appellate Tribunals for deciding appeals preferred under section 184.

(2) An Appellate Tribunal shall consist of one person to be appointed by the Government on such terms and conditions of service as may be prescribed by rules.

(3) A person shall not be qualified for appointment as the presiding Officer of an Appellate Tribunal unless he is, or has been, a District Judge or an Additional District Judge or has, for at least 10 years, held a judicial office in India, or has practised as an advocate for not less than 10 years in a High Court in India.

(4) The Government may, if it thinks fit, appoint one or more persons having special knowledge of, or experience in, the matters involved in such appeals, to act as assessors to advise the Appellate Tribunal in the proceedings before it, but no advice of the assessors shall be binding on the Appellate Tribunal.

184 C. Procedure of the Appellate Tribunal. — (1) The Appellate Tribunal may, after giving the parties to the appeal, an opportunity of being heard, pass such orders thereon as it thinks fit,

confirming, modifying or annulling the order or notice appealed against or may refer the case back to the authority or officer against whose order or notice the appeal is filed, for a fresh order or notice, after taking additional evidence, if necessary, or such other action as the Appellate Tribunal may specify.

(2) The Appellate Tribunal shall send a copy of every order passed by it to the parties to the appeal.

(3) No Appellate Tribunal shall, in any appeal pending before it in respect of any order or notice under this Act, make an interim order (whether by way of injunction or stay) against the Municipal Council or against any officer or servant of the Municipal Council acting or purporting to act in his official capacity, unless an opportunity is given to the Municipal Council or its officer or servant to be heard in the matter:

Provided that the Appellate Tribunal may without giving an opportunity as aforesaid, make an interim order as an exceptional measure, if it is satisfied for reasons to be recorded by it in writing that it is necessary so to do for preventing any loss being caused to the person filing the appeal which cannot be adequately compensated in money:

Provided further that every such interim order shall, if it is not vacated earlier, cease to have effect on the expiry of a period of fourteen days from the date on which it is made unless before the expiry of that period, the Appellate Tribunal confirms or modifies that order after giving to the Municipal Council or its officer or servant an opportunity of being heard.

(4) Subject to rules that may be made by the Government in this behalf, the awarding of damages in and the cost of, and incidental to, any appeal before an Appellate Tribunal, shall be in its discretion and it shall have full power to determine by and to whom and to what extent and subject to what conditions, if any, such damages or costs are to be paid and to give, in its order disposing of an appeal, necessary directions for the purpose aforesaid.

(5) An order of the Appellate Tribunal made under this section may be executed or caused to be executed by it on the application of the person in whose favour the order has been made.

(6) In hearing and deciding an appeal or in the execution of an order, the Appellate Tribunal shall follow such procedure as may be prescribed by rules.

(7) Every Appellate Tribunal shall, in addition to the powers conferred on it under this Act, have the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of persons and examining them on oath;
- (b) requiring the discovery and inspection of documents;

- (c) receiving evidence on affidavits;
- (d) requisitioning any public records or copies thereof from any court or office;
- (e) issuing commissions for the examination of witnesses or documents; and
- (f) any other matter which may be prescribed by rules, and every proceeding of an Appellate Tribunal in hearing or deciding an appeal or in connection with the execution of its order, shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purpose of section 196 of the Indian Penal Code (Central Act 45 of 1860), and every Appellate Tribunal shall be deemed to be a Civil Court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

184D. *Appeal against order of Appellate Tribunal.*—(1) An appeal shall lie to the Government against an order of the Appellate Tribunal, made in an appeal under section 184 confirming, modifying or annulling an order made or notice issued under this Act.

(2) The provisions of section 184 and the rules made thereunder, shall, so far as may be, apply to the filing and disposal of an appeal under that section.

(3) An order of the Government on an appeal under this section, and subject only to such order, an order of the Appellate Tribunal under section 184, and subject to such orders of the Government or an Appellate Tribunal, an order or notice referred to in that section, shall be final.

184 E. *Bar of jurisdiction of Civil Courts.*—No Court shall entertain any suit, application or other proceedings in respect of any order or notice appealable under section 184 and no such order or notice shall be called in question otherwise than by preferring an appeal under that section.”

5. *Insertion of new section.*—After section 290 of the principal Act, the following section shall be inserted, namely:—

“290 A. *Certain offences to be cognizable.*—The Code of Criminal Procedure, 1973 (Central Act 2 of 1974), shall apply to an offence under sub-section (7) of section 175 or sub-section (3) of section 176 or sub-section (6) of section 178 or sub-sections (9) and (10) of section 184, as if it were a cognisable offence—

- (i) for the purpose of investigation of such offence;
- (ii) for the purposes of all matters other than—
 - (a) matters referred to in section 42 of that Code, and
 - (b) arrest of a person, except on the complaint of, or upon information received from, such officer of the Council, not being below the rank of a Chief Officer, as may be appointed by the Government:

Provided that no offence of the contravention of any condition subject to which sanction was accorded for the erection of any building or the execution of any work shall be cognizable, if such contravention relates to any deviation from any plan if such erection or execution sanctioned by the Council, is compoundable on payment of an amount under the bye-laws relating to buildings made under this Act."

Statement of Objects and Reasons

The existing provisions under the Goa, Daman and Diu Municipalities Act do not empower the Municipalities to take immediate action towards demolition of any illegal construction within the Municipal area and hence the Municipalities cannot take stringent action against illegal constructions, as the persons immediately move the Court, and obtain stay order. Thereafter the procedure for disposal of the Court case takes many years.

This Bill, therefore seeks to amend section 184 of the principal Act and also to insert a new section 290 A in the principal Act so as to empower the Municipalities to take stringent action against illegal construction.

Financial Memorandum

The Section 184 B provides for the constitution of one or more Appellate Tribunals for deciding appeals preferred under section 184. The aforesaid provision would require creation of an Office for the Appellate Tribunal. The creation of Office would also involve contingent expenditure for salaries, fees, finding suitable office accommodation, purchase of office furniture etc. Tentatively this expenditure may work out to Rs. 1.00 lakh approximately.

Panaji,
23rd June, 1987.

DR. LUIS PROTO BARBOSA
Minister for Urban Development

Assembly Hall,
Panaji,
3rd July, 1987.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa

Governor's recommendation under clause (1) of Article 207 of the Constitution of India.

In pursuance of clause (1) of article 207 of the Constitution of India the Governor of Goa, has recommended to the Legislative Assembly of Goa for the introduction and the consideration of the Goa, Municipalities (Seventh Amendment) Bill, 1987.

LA/B/1455/1987

Dt. 13-7-1987

The following Bill which was introduced in the Legislative Assembly of Goa on 8th July, 1987 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Private Nursing Home (Regulation) Bill, 1987

(Bill No. 7 of 1987)

A

BILL

to provide proper treatment and adequate facilities such as proper accommodation and proper nursing care to patients within the framework of the socio economic condition of the patients.

Be it enacted by the Legislative Assembly of Goa in the Thirty-eighth Year of the Republic of India as follows:—

Preliminary

1. Short title, extent and commencement. — (1) This Act may be called the Goa Private Nursing Home (Regulation) Act, 1987.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Definitions. — In this Act, unless the context otherwise requires, —

(a) 'appointed day' means the date on which the provisions of this Act came into force;

(b) 'competent authority' means any person or persons or authority appointed by the Government to perform the functions of the competent authority under this Act and different persons or authorities may be appointed to perform different functions;

(c) 'Government' means the Government of Goa;

(d) 'inspecting authority' means the Deputy Directors or the Health Officers or the Chief Medical Officers of the Directorate of Health Services, Government of Goa;

(e) 'licence' means a licence granted under the provisions of this Act;

(f) 'manager' in relation to a private nursing home means the person, by whatever name or designation called who is a qualified medical practitioner and is in charge of or is entrusted with, the running of private nursing home;

(g) 'medical treatment' means treatment in modern medicine or in any system of medicine like the Ayurvedic, the Unani, the Homoeopathic and the Naturopathic;

(h) 'modern medicine' means the western methods of allopathic medicine, obstetrics and surgery and it includes also radiotherapy, criotherapy, ultrasonic or any other method used in treatment of diseases by modern appliances and apparatus;

(i) 'nursing home' means a hospital or clinic or any other place where human-diseases are given preventive and or curative medical treatment;

(j) 'Official Gazette' means the Goa Government Gazette;

(k) 'private nursing home' means a nursing home which is not owned or sponsored by the Government or the Central Government;

(l) 'section' means section of this Act;

(m) 'qualified medical practitioner' means medical practitioner registered in the State of Goa under the law in force for the registration of medical practitioner.

3. Private nursing home to be licensed. — On or after the appointed day, no private nursing home shall be established, run or maintained in the State of Goa except under and in accordance with the terms and conditions of a licence:

Provided that a private nursing home in existence immediately before the appointed day shall also apply for the licence within a period of four months from such day and pending orders thereon, may continue to be run but subject to the provisions of this Act.

4. Standards. — Every private nursing home shall conform to the standards which may be prescribed regarding the operation theatre, accommodation, staff, facilities to be provided to the patients, maintenance and like matters.

5. Fees to be charged. — (1) For the medical treatment given, no private nursing home shall charge or collect fees in excess of the scales of fees that may be prescribed.

(2) Fees shall be prescribed having regard to the nature of the disease, the treatment and other like matters.

6. Application for licence. — Every person desiring to establish, run, maintain or continue to run a private nursing home shall make an application to the competent authority in such form and alongwith such fees as may be prescribed.

7. Disposal of applications. — (1) On receipt of the application under section 6 and after such enquiry as he may deem necessary, the competent authority may, by order, grant or refuse to grant the licence. Where the licence is refused, brief reasons for such refusal shall be given.

(2) Every order under sub-section (1) shall as soon as may be after it is made, be communicated to the applicant:

Provided that where no such communication is issued before the expiry of ninety days from the date on which the application was made, the licence shall be deemed to have been refused.

8. Factors to be taken into account in disposing of application. — In disposing of the applications under section 6, the competent authority shall have regard to the following, namely: —

(a) whether the premises housing the nursing home is suitable hygienically or otherwise;

(b) whether the nursing home is adequately staffed with qualified doctors, nurses, technical and other personnel; and

(c) such other factors as may be prescribed.

9. Inspections, etc. — (1) The inspecting authority may at any time, inspect a private nursing home to satisfy himself that the provisions of this Act and the conditions of the licence are being duly observed.

(2) If as a result of such inspection any defects or deficiencies are noticed, the inspecting authority may, by order, direct the manager to remedy the same within such time as may be specified in the order. Thereupon, the manager shall comply with every such direction and make a report of compliance to the inspecting authority.

10. Defaults. — (1) If in any private nursing home a free access to the inspecting authority is obstructed or prevented in any manner by the manager or his staff, the competent authority after receiving such information and after giving the concerned person an opportunity of being heard, may impose a fine which may extend to five hundred rupees without detriment to any other action taken under sub-section (2).

(2) If any private nursing home commits default in observing any of the conditions of the licence or fails to comply with the directions issued under section 9 or contravenes any of the provisions of this Act, the competent authority may, by order, revoke the licence:

Provided that no such order shall be made except after giving the person concerned an opportunity of making representation against the proposal.

(3) The fine imposed shall be paid by the manager of the nursing home within the period of ten days from the date of such order. In case of non-payment of fine within the period of ten days, the same shall be recovered as an arrear of land revenue under the law for the time being in force.

11. Appeals. — (1) Any person whose application for licence is refused or deemed to have been refused and any person aggrieved by any other order under this Act, may prefer an appeal to the prescribed appellate authority.

(2) Every such appeal shall be preferred within thirty days from the date of the order appealed against is communicated or is deemed to have been made. The order of the appellate authority on appeal shall be final.

12. Penalty. — Whoever contravenes any of the provisions of this Act or the terms and conditions of a licence shall be liable, on conviction, to imprisonment which may extend to six months or with fine which may extend to five thousand rupees.

13. Cognizance and trial of offence. — (1) No Court inferior to that of Judicial Magistrate of first class shall try any offence under this Act:

Provided that no such Court shall take cognizance of offence except on a complaint made by the competent authority or any other officer authorised by him either generally or specially in writing.

14. Indemnity. — No suit or legal proceedings shall lie against the Government or any officer of the Government in respect of anything which is in good faith done by or under this Act.

15. Rules. — (1) The Government may, subject to the condition of previous publication make rules for carrying out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters, namely: —

- (a) the standards referred to in section 4;
- (b) form of application under section 6;
- (c) condition subject to which licence may be granted;
- (d) other factors to be taken into account under section 8;
- (e) fees to be paid on applications and appeals; and
- (f) the fees to be charged for the medical treatment given, the accommodation and facilities provided.

16. Repeal and saving. — (1) On the commencement of the Act, any law in force in the State of Goa providing for any matter for which provision is made in this Act, shall stand repealed.

(2) Notwithstanding the repeal by this Act of any corresponding law, all the rules, regulations and bye-laws relating to the nursing home made under such corresponding law and in force immediately before the commencement of this Act shall, except where and so far as they are inconsistent with or repugnant to the provisions of this Act, continue to be in force until altered, amended or repealed by rules made under this Act.

Statement of Objects and Reasons

There is quite a large number of private nursing homes in this State and the Government is not in a position to regulate their activities as there is no suitable legislation to that effect.

This Bill, therefore, seeks to regulate the functioning of private nursing homes so as to ensure proper Medical treatment and adequate facilities such as proper accommodation and proper nursing care to patients at reasonable cost.

Memorandum of Delegated Legislation

Clause 15 of the Bill empowers the Government to make rules for carrying out the purposes of the Act.

This delegation is of normal character.

Financial Memorandum

Under the Bill, most of the duties are to be performed by the existing staff of the Directorate of Health Services. At this stage, no financial implications are involved. However, there would be some financial implications involving future expansion and the strengthening of services to meet the requirements of the Bill.

The Bill also provides for levying certain fines for default or contravention of the provisions of the Bill on the part of the management of the concerned Institutions. The revenue which may be accrued on this account cannot be ascertained at this stage.

Panaji
29th June, 1987

SHAIKH HASSAN HAROON
Minister for Health

Assembly Hall
Panaji
6th July, 1987

M. M. NAIK
Secretary to the Legislative
Assembly of Goa.

Governor's recommendation under rule 207 of the Constitution.

In pursuance of clause (1) of article 207 of the Constitution, the Governor of Goa has recommended to the Legislative Assembly of Goa, the introduction and consideration of the Goa Private Nursing Home (Regulation) Bill, 1987.

LA/B/1456/1987

Dt. 13-7-1987

The following Bill which was introduced in the Legislative Assembly of Goa on 9th July, 1987 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Change of Name and Surname Bill, 1987

(Bill No. 8 of 1987)

A
BILL

to lay down the procedure for change of name and surname of any person born in the State of Goa.

Be it enacted by the Legislative Assembly of Goa, in the Thirtieth Year of the Republic of India as follows: —

1. *Short title extent and commencement.* — (1) This Act may be called the Goa Change of Name and Surname Act, 1987.

(2) It shall extend to the State of Goa.

(3) It shall come into force at once.

2. *Definitions.* — In this Act, unless the context otherwise requires, —

(a) 'Chief Registrar' means the Chief Registrar appointed under the Registration of Births and Deaths Act, 1969 (Central Act No. 18 of 1969);

(b) 'Government' means the Government of Goa;

(c) 'guardian' means the person having the care of the person of minor or of his property; or of both his person and property;

(d) 'Registrar' means the Registrar appointed under the Registration of Births and Deaths Act,

1969 (Central Act No. 18 of 1969) and includes Civil Registrar exercising the powers under *Codigo do Registo Civil do Estado da India* approved by Decree dated 9-11-1912.

3. *Application for change of name or surname of any person.*—(1) Any person, desirous of changing his name or surname or both, as recorded in the birth register, shall apply to the Registrar of the respective jurisdiction in which his birth is recorded in the prescribed form;

Provided that if such a person is a minor the application may be made by his guardian.

(2) On receipt of the application, the Registrar shall publish the notice thereof by affixing it in the notice board of his office and publish the relevant notices in the Official Gazette calling for objection, if any, on the application within thirty days from the date of the notice.

(3) On receipt of the application, the Registrar shall conduct an enquiry in the manner prescribed and pass such order as he deem fit within sixty days of the receipt of the application.

(4) In case no objections are received, or after considering the objections, the application was decided in favour of the applicant, the Registrar shall communicate necessary permission to the applicant and make necessary endorsement in the margin of the respective birth register.

(5) Any person aggrieved by the order of the Registrar may, within thirty days from the date of communication of the order, prefer an appeal to the Chief Registrar and the order in appeal passed by the Chief Registrar shall be final.

4. *Power to make rules.*—The Government may by notification in the Official Gazette, make rules to carry out the purpose of this Act.

5. *Repeal and saving.*—(1) On and from the date of commencement of this Act, Articles 178 and 179 of *Codigo do Registo Civil do Estado da India*, approved by decree dated 9-11-1912 shall stand repealed.

(2) Notwithstanding such repeal anything done or any action taken in exercise of any power conferred by or under the said Articles shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if the Act were in force on the day on which such thing or action was done or taken.

Statement of Objects and Reasons

Thousands of persons of this State desire to change their name or surname for various reasons. The change of name is at present governed by the *Codigo do Registo Civil do Estado da India* which lays down cumbersome and costly procedure for change of name. Common men find it difficult to comply with the procedures even when there is a genuine need to change their names or surnames. In order to obviate the difficulties, this Bill is brought forth which proposes to simplify the procedures laid down in Articles 178 and 179 of the

Codigo do Registo Civil do Estado da India without incurring any expenses.

Financial Memorandum

The Bill involves no financial expenditure for its implementation as the duties to be performed under the provisions of the Bill are proposed to be assigned to the existing machinery.

Memorandum on Delegated Legislation

Clause 4 of the Bill empowers the Government to frame rules for giving effect to the provisions of the Bill. This delegation is of normal character.

Panaji
6th July, 1987

SHAIKH HASSAN HAROON
Minister for Law

Assembly Hall,
Panaji
7th July, 1987

M. M. NAIK
Secretary to the Legislative
Assembly of Goa

(Annexure to Bill No. 8 of 1987)

The Goa Change of Name and Surname Bill, 1987

Codigo do Registo Civil do Estado da India

Sec. 178—The changes of proper name or that of family shall only be authorised by the Governor General, under the following provisions:—

1. The interested party shall forward his application addressed to the Governor General by handing it over to the Civil Registrar or Civil Registration Official of the Taluka where he is resident and subsequently shall annex to it his birth certificate and the documents under which the reasons given for the change of name will be proved;
2. The above mentioned employee shall make whatever inquiries he may deem fit thereby hearing the applicant and any witnesses designated by him or appointed by the office and on finalising the matter, the said employee shall record his opinion on his report which shall be submitted to the Secretariat;
3. If the Governor deems that the request deserves favourable consideration, the applicant will be authorised to publish the relevant notices in the Government Gazette and in two local newspapers when available, giving therein a gist of the request and intimating any interested party to lodge his claim against the pretension by way of an authentic written complaint or by a complaint duly authenticated before the Governor General, within the time limit of 30 days from the date of publication;
4. After the expiry of the above time limit, the applicant shall cause to annex to the file an issue of the Government Gazette and of each of the newspapers in which the notices were published or shall explain the reasons for not having published the notices in the latter and the Governor, on hearing the Registrar General, Attorney General's Office (Procuradoria da Republica) and the entities whom he may deem necessary in case of opposition, or dispensing with any formality, shall decide by notification as he may deem just, authorising the applicant, in case sanction is accorded, to publish in the Government Gazette and to apply for an endorsement in the respective register by producing the said issue of the Government Gazette or a true copy of the notification duly attested by a Notary.

Sec. 179—In case the registration of birth of the interested party has not yet been recorded in the Civil Register, he shall request for its transcription, in terms of this Code.

Assembly Hall,
Panaji,
7th July, 1987

M. M. NAIK
Secretary to the Legislative Assembly
of Goa.